

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$22,774.14 IN U.S. CURRENCY and 2009 TOYOTA
RAV4 VIN: JTMZF32V59D012392,

Defendants.

CIVIL NO. 18-

VERIFIED COMPLAINT FOR FORFEITURE IN REM

TO THE HONORABLE COURT:

COMES NOW, plaintiff, the United States of America, by and through its undersigned attorneys, Rosa Emilia Rodríguez-Vélez, United States Attorney for the District of Puerto Rico; Héctor E. Ramírez-Carbó, Assistant United States Attorney, Chief Civil Division, and Rafael J. López-Rivera, Assistant U.S. Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Sections 841, 846, and 881; and Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 1957(a).

DEFENDANT IN REM

2. The defendant property seized by Task Force Officers of the Drug Enforcement Administration, consist of \$22,774.14 IN U.S. CURRENCY and 2009 TOYOTA RAV4 VIN: JTMZF32V59D012392.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States pursuant to Title 28 United States Code, Section 1345; over an action for forfeiture pursuant to Title 28, United States Code, Section 1355; and over this particular action pursuant to Title 21, United States Code, Sections 841, 846, and 881; and Title 18, United States Code, Sections 1956 and 1957.
4. This Court has in rem jurisdiction over the defendant property pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1355(b)(1)(B) (the defendant property is found in this district).
5. Venue is proper in this district pursuant to Title 28, United States Code, Section 1355(b)(1)(A) (acts and omissions giving rise to the forfeiture occurred in this district) and Section 1395 (the defendant property is found in this district).

BASIS FOR FORFEITURE

6. This is a civil action in rem brought to enforce the provisions of Title 21, United States Code, Section 841 (Unlawful acts), 846 (Attempt and conspiracy), Section 881(a)(6) and 881(a)(4) of Title 21, United States Code, particularly all the moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation of the subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter; and all conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of

property described in paragraph (1), (2), or (9); and 1956 and 1957(money laundering schemes).

FACTS


7. The facts and circumstances supporting the seizure and forfeiture of the defendant property are contained in the Title 28, United States Code, Section 1746 unsworn declaration of the Drug Enforcement Administration ("DEA"), Task Force Officer, Peter Kalme attached hereto, and incorporated herein as if fully stated.

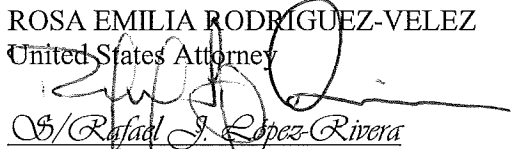
CLAIM FOR RELIEF

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant property condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico, this 24th day of April, 2018.


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VERIFIED DECLARATION

I, Rafael J. López-Rivera, Assistant U.S. Attorney, for the District of Puerto Rico, declare under penalty of perjury as provided by Title 28, United States Code, Section 1746, the following:

That the foregoing Complaint is based on reports and information furnished to me by the Drug Enforcement Administration ("DEA"); that everything contained therein is true and correct to the best of my knowledge and belief.

Executed in San Juan, Puerto Rico, this 24th day of April, 2018.




Rafael J. López-Rivera
Rafael J. López-Rivera
Assistant U.S. Attorney

VERIFIED DECLARATION

I, Peter Kalme, Task Force Officer, DEA, declare as provided by Title 28, United States Code, Section 1746, the following:

I have read the contents of the foregoing Complaint for Forfeiture in Rem and the attached unsworn declaration thereto, and I find the same to be true and correct to the best of my knowledge and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed in San Juan, Puerto Rico, this 24 day of April, 2018.



Peter Kalme, TFO
Drug Enforcement Administration ("DEA")

**UNSWORN DECLARATION IN SUPPORT OF
FORFEITURE COMPLAINT**

INTRODUCTION

Pursuant to Title 28, United States Code, Section 1746, I, Peter Kalme, Task Force Officer, of the United States Department of Justice, Drug Enforcement Administration (DEA), declare under penalty of perjury that the foregoing is true and correct:

I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7). I am, therefore, an officer who is empowered to conduct criminal investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section, 2516.

I have been a Task Force Officer for the DEA since April 2014. I am currently employed with the Puerto Rico Police Department (PRPD) and have been since November 2001. I am currently assigned to the High Intensity Drug Trafficking Area (HIDTA) in Fajardo, Puerto Rico. Prior to my assignment in Puerto Rico I was assigned to the Eastern Strike Force Division. I have conducted investigations into the unlawful importation, possession with intent to distribute, and distribution of controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1), 846, 952 (a), and 963.

During my law enforcement career, I have received detailed instruction in and conducted various complex conspiratorial investigations concerning the unlawful importation and distribution of controlled substances; the laundering and concealment of drug proceeds; and the illegal use of communication facilities by drug traffickers in furtherance of their criminal activities.

PROPERTY TO BE FORFEITED

\$22,774.14 IN U.S. CURRENCY and

2009 Toyota RAV4, VIN: JTMZF32V59D012392.

BASIS FOR FACTS CONTAINED IN THIS UNSWORN DECLARATION

I make this unsworn declaration, on information and belief derived from the following source:

Oral and/or written reports and documents about this and other federal agents or officers of DEA.

1. On December 6, 2017, DEA HIDTA Fajardo members executed an arrest warrant of Fabian SANTOS-Morales. During the encounter, DEA Agents asked Glorimar MENA-Quiñones for consent to search the residence and vehicles to which MENA-Quiñones acknowledged by giving verbal and by signing a consent to search form. DEA Task Force Officers (TFOs) Peter Kalme, Lexlly Rivera, A/GS Stavros Stefanidis and Puerto Rico Police Department (PRPD) K-9 handler Officer Alfonzo Bachiller badge number 26705, and K-9 Dax badge number 33107 were present when MENA-Quiñones gave consent to search the residence and vehicles.
2. While conducting the search, Agents discovered a black office desk with an undetermined amount of United States Currency (USC), one black and grey money counting machine, a small black storage container containing an undetermined amount of US currency, red clothe bags containing an undetermined amount of US currency, and notebooks in the first room. A/GS Stefanidis as witnessed by TFO Kalme seized the above-mentioned property.
3. Before conducting a search on MENA- Quiñones bedroom, Agents asked MENA- Quiñones if there were any contraband in the room. MENA-Quiñones responded that there was a firearm and drugs in the residence. PRPD K-9 Officer Bachiller advised Agents that K-9 Dax alerted in three different locations inside the master bedroom; near a small nightstand, near the master bedroom closet and by the drawer armoire. Subsequently, Agents found three cellular phones in the night stand, a clear plastic storage cabinet in the

master bedroom closet where multiple cellular phones were found. Agents also found a white Galaxy camera, four (4) Kingston, a SanDisk, a Sony and a Lexar SD memory cards, one black GPS Garmin, multiple jewelry items in the drawer of the armoire. A/GS Stefanidis as witnessed by TFO Kalme seized the above-mentioned items.

4. Continuing the search, Agents moved into the kitchen area, where K-9 Dax alerted to the kitchen closet. Agents discovered an orange and yellow "Cheetos" container, with a hidden compartment containing white powdery substance were found, the white powdery substance. Agents attempted to open the "Cheetos" container and could not open the compartment at that time, MENA-Quifiones herself showed the Agents how to open the "Cheetos" container exposing the hidden compartment. In the kitchen cabinet near the exit/entrance to the garage, Agents found one small signal "jamming/blocking" device with five antennas.
5. During the search of the garage, K-9 Dax alerted to a closet near the exit/entrance of the kitchen where a red microwave containing a blue plastic bag containing a green leafy substance was found. Next to the Microwave, Agents discovered one blue "Hot Wheels" backpack with yellow and orange colored designs, containing three bottles, each containing a clear liquid substance and a white container with a powdery substance. In an adjacent closet, Agents also discovered one Impulse Heat Sealer Model FS-100, and miscellaneous documents.
6. Subsequently, while conducting the search of the garage K-9 Dax alerted to a 2009, grey, Toyota, Rav4 bearing license plate HNJ-414. A search of the vehicle yielded, one Glock, Model 27, Serial Number REC-616 with one thirteen round capacity magazine containing thirteen rounds, one fifteen round capacity magazine containing fifteen rounds, and two twenty round capacity magazine containing twenty rounds were found in the center

console/armrest. Additionally a dark brown TUMI Handbag Serial Number 7423152 was found in the front passenger seat of the vehicle.

7. In addition to the 2009, grey, Toyota Rav4, a 2015, grey, Toyota Highlander bearing license plate IPN-212, and a 2016, grey, Toyota Tacoma bearing license plate 965-734 all registered to MENA-Quiñones were subsequently seized by Agents. Additionally a 2008, grey, Ford Explorer bearing license plate HEU-896 registered to Luis M. RODRIGUEZ-Moreno was also seized. K-9 Dax alerted to all vehicles seized.
8. Agents provided a DEA-12 to MENA-Quiñones for the undetermined amount of USC and for the above mentioned items to which MENA-Quinones signed and dated. Subsequently Agents processed and submitted all drug and non-drugs Exhibits.
9. Personnel; A/GS Stefanidis - DEA HIDTA Fajardo, DEA SRT, DEA San Juan - TFO Lexlly Rivera, PRPD Eastern Strike Force - ESFO Ivan Vargas, PRPD Carolina Strike Force - CSFOs Ernesto Santiago, & Eddie Latimer, PRPD K-9 handler Alfonzo Bachiller, and K-9 Dax from K-9 Unit.

This Unsworn Declaration is submitted in support of forfeiture complaint, which involves the offenses detailed in Section 881(a)(6) and 881(a)(4) of Title 21, United States Code, particularly all the moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation of the subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter; and all conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph

(1), (2), or (9) of the subchapter. Therefore, I have not set forth each and every fact learned during the course of this investigation.

Based upon my training and experience, participation in other investigations, and facts concerning this investigation, I believe that sufficient probable cause exists to show that there is present material evidence of a commission of a violation of a Federal Law to forfeit the U.S. Currency and the vehicle, violations of Title 21, United States Code, Sections 841(a)(1), 846 and 881(a)(6), 881(a)(4) and money laundering schemes, Title 18, United States Code, Sections 1956 (a) (1) (B)(i) and 1957 (a).

Sworn and signed under perjury, pursuant to Title 28, United States Code, Section 1746, in San Juan, Puerto Rico this 24th of April, 2018.

A handwritten signature in black ink, appearing to read "Peter Kalme TFO", written over a horizontal line.

Peter Kalme, Task Force Officer

Drug Enforcement Administration ("DEA")

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Rafael J. López-Rivera, AUSA, 350 Carlos Chardon Ave, Suite
1201, Hato Rey, PR 00918

DEFENDANTS

\$22,774.14 in U.S. currency, et al.

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

Title 21, USC, Sections 841, 846, and 881. Title 18, USC, Sections 1956 and 1957

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

4/24/2018

SIGNATURE OF ATTORNEY OF RECORD

s/Rafael J. López-Rivera

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE


United States District Court *for the* District of Puerto Rico
CATEGORY SHEET

1. Title of Case (Name of first party on each side only)

US v. \$22,774.14 IN U.S. CURRENCY, et al.

2. Category in which case belongs: (See Local Rules)

☒ X

ORDINARY CIVIL CASE
SOCIAL SECURITY
BANK CASE
INJUNCTION

CIVIL FORFEITURE

3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?

☐ YES

☒ X NO

5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?

☐ YES

☒ X NO

6. Does this case question the constitutionality of a state statute (FRCP 24)?

☐ YES

☒ X NO

(Please Print)

USDC ATTORNEY'S ID NO.

221213

ATTORNEY'S NAME:

Rafael J. López-Rivera

MAILING ADDRESS:

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